## CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

## ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

## REMARKS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

At the outset, Applicants wish to address the showing required by 37 CFR § 1.116(b) as to why the amendments above are necessary and were not presented earlier. The amendments above are responsive to the new grounds of rejection in the final rejection and, therefore, are clearly necessary. Moreover, since this is the first substantive response to the final rejection, these amendments could not have been presented earlier. In view of the foregoing, Applicants respectfully submit that a proper showing has been made. Therefore, Applicants respectfully request that the Examiner enter and consider these amendments.

Claims 10-17 were rejected under 35 USC § 112, second paragraph, as being indefinite. In response, Applicants believe the amended claims address and remove most of the Examiner's concerns. Thus, the second step (j) in claim 10 has been renamed step (m) in accordance with the Examiner's suggestion. This also removes the issue with respect to claim 16, since the Examiner concedes that the first step (j), which is the only step (j) now remaining, provides antecedent basis for "the positioning template" in claim 16.

With respect to step (e), the Examiner appears to be confused about the invention as claimed. Steps (a)-(d) result in a virtual model of a patient's mouth. In step (e), an ***independent*** selection is made of ***"fabricated,*** previously scanned teeth," i.e., ***artificial*** teeth, ***not*** the natural teeth in the patient's mouth at the time the virtual model is made. (Step (e) is independent of steps (a)-(d) and the Examiner should not be expecting to find

any antecedent basis for step (e) in steps (a)-(d), and, moreover, step (e) is self-sufficient, and requires no antecedent basis.) In step (f), these artificial teeth are placed into the virtual model of the patient's mouth. Then, in steps (j)-(m), the virtual placement is used to prepare a denture base.

Hopefully, it should be clear from this explanation that there is no need for antecedent basis for step (e), or for the "fabricated, previously scanned teeth." The previous steps (a)-(d) have nothing to do with step (e). Step (e) is independent of these steps, and does not require antecedent basis. Steps (a)-(d) constitute a first operation; step (e) constitutes a second operation; and step (f) brings together the two operations.

In view of the foregoing, Applicants respectfully submit that the claims are definite. An early notice to that effect is earnestly solicited.

Claims 10, 13-15 and 17-18 were rejected under 35 USC § 102(b) as being anticipated by Jordan, US 6,152,731. In the second sentence under point 9 on page 6 of the final rejection, the Examiner says "Applicant submits that Jordon does not teach step (e) of claim 1." Actually, Applicants previously argued that "Jordan does not teach instant steps (e) ***and following.***" See the first paragraph on page 9 of the amendment dated March 30, 2006. In other words, Applicants previously argued that Jordan did not teach steps (e), (f), (j), (k), (l) and newly re-named (m).

Claim 10, as noted above, in step (e) requires that a selection be made of 3-dimensional data records of ***"fabricated,*** previously scanned teeth," i.e., ***artificial*** teeth. Thereafter, these artificial teeth are virtually placed into the virtual model of the patient's mouth that has been prepared by steps (a)-(d). This virtual placement is then used to prepare a denture base in steps (j)-(m).

All that Jordan teaches is the preparation of the virtual model of the patient's mouth, i.e., steps (a)-(d). Jordan nowhere mentions anything about artificial teeth; or virtual placement of such artificial teeth into the virtual model of the patient's mouth; or using this virtual placement to prepare a denture base.

The Examiner is correct that Jordan discusses 3-D records of scanned teeth, but these are *natural* teeth in the patient's mouth, ***not artificial*** teeth, as required by instant step (e). Jordan's scan of natural teeth is for preparation of a virtual model of the patient's mouth, and, thus, falls within instant steps (a)-(d). Nowhere does Jordan teach or suggest scanning artificial teeth, and then virtually placing them in a virtual model of the patient's mouth, as instantly claimed.

Since Jordan does not teach instant steps (e), (f), (j), (k), (l) and newly renamed (m), Jordan cannot anticipate the present claims.

The Examiner has basically ignored the "fabricated" limitation, but it is improper to ignore any limitation. This "fabricated" limitation must be considered, and this rejection is only proper if the Examiner can show where in Jordan there is any teaching of fabricated teeth being manipulated as required by instant steps (e), (f), (j), (k), (l) and newly renamed (m). There is no such teaching in Jordan.

In view of the foregoing, Applicants submit that Jordan does not anticipate the instant claims. An early notice to that effect is earnestly solicited.

Claim 11 was rejected under 35 USC § 103(a) as being obvious over Jordan in view of Baumrind, US 6,621,491.

Claim 12 was rejected under 35 USC § 103(a) as being obvious over Jordan in view of Chrishti, US 5,975,893.

Claim 16 was rejected under 35 USC § 103(a) as being obvious over Jordan in view of Brodkin, US 2002/0033548.

In response to all ***three*** obviousness rejections, Applicants point out that each of these rejections was premised on Jordan anticipating the basic features of the instant claims, which, as noted above, is not, in fact, the case. The secondary references do not remedy any of the defects of Jordan noted above. Consequently, the combinations of Jordan and the secondary references cannot make out any *prima facie* case of the obviousness of the instant claims.

Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,
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